

ASSEMBLY BILL

No. 2554

Introduced by Assembly Member Brownley

February 19, 2010

An act to amend Sections 2 and 16 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2554, as introduced, Brownley. Los Angeles County Flood Control District.

Existing law, the Los Angeles County Flood Control Act, establishes the Los Angeles County Flood Control District and authorizes the district to control and conserve the flood, storm, and other wastewater of the district. The act declares the district to be a body corporate and politic, and to have various powers, including the power to cause taxes to be levied and collected for the purpose of paying any obligation of the district.

This bill would make various technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2 of the Los Angeles County Flood
2 Control Act (Chapter 755 of the Statutes of 1915), as amended by
3 Section 33 of Chapter 1276 of the Statutes of 1975, is amended to
4 read:

1 Sec. 2. The objects and purposes of this act are to provide for
2 the control and conservation of the flood, storm and other waste
3 waters of said district, and to conserve ~~such~~ *these* waters for
4 beneficial and useful purposes by spreading, storing, retaining or
5 causing to percolate into the soil within ~~said~~ *the* district, or to save
6 or conserve in any manner, all or any of ~~such~~ *these* waters, and to
7 protect from damage from ~~such~~ flood or storm waters, the harbors,
8 waterways, public highways and property in ~~said~~ *the* district.

9 ~~Said~~

10 *The* Los Angeles County Flood Control District is hereby
11 declared to be a body corporate and politic, and ~~as such shall have~~
12 ~~power~~ *has all the following powers:*

13 1. To have perpetual succession.

14 2. To sue and be sued in the name of ~~said~~ *the* district in all
15 actions and proceedings in all courts and tribunals of competent
16 jurisdiction.

17 3. To adopt a seal and alter it at pleasure.

18 4. To take by grant, purchase, gift, devise or lease, hold, use,
19 enjoy, and to lease or dispose of real or personal property of every
20 kind within or without the district necessary to the full exercise of
21 its power.

22 5. To acquire or contract to acquire lands, rights-of-way,
23 easements, privileges and property of every kind, and construct,
24 maintain and operate any and all works or improvements within
25 or without the district necessary or proper to carry out any of the
26 objects or purposes of this act, and to complete, extend, add to,
27 repair or otherwise improve any works or improvements acquired
28 by it as herein authorized. Construction or improvement of existing
29 facilities may involve landscaping and other aesthetic treatment
30 in order that the facility will be compatible with existing or planned
31 development in the area of improvement.

32 6. To exercise the right of eminent domain, either within or
33 without the district, to take any property necessary to carry out
34 any of the objects or purposes of this act.

35 7. To incur indebtedness, and to issue bonds in the manner
36 herein provided.

37 ~~7a. In addition to the powers given in the next preceding~~
38 ~~subsection, to~~ *To* borrow money from the United States of America,
39 any agency or department thereof, or from any nonprofit
40 corporation, organized under the laws of this state, to which the

1 Reconstruction Finance Corporation, a corporation organized and
2 existing under and by virtue of an act of Congress, entitled
3 “Reconstruction Finance Corporation Act,” or other agency, or
4 department, of the United States government, has authorized, or
5 shall hereafter authorize, a loan to enable ~~such~~ nonprofit
6 corporation to lend money to ~~said the~~ Los Angeles County Flood
7 Control District, for any flood control work authorized under this
8 act, and to repay the same, in annual installments, over a period
9 of not to exceed twenty (20) years, with interest at a rate of not to
10 exceed four and one-fourth per centum (4 $\frac{1}{4}$ %) per annum, payable
11 semiannually, and, without the necessity of an election when
12 authorized by resolution of the board of supervisors, as evidences
13 of ~~such that~~ indebtedness, ~~said the~~ district is hereby authorized to
14 execute and deliver a note, or a series of notes, or bonds, or other
15 evidences of indebtedness, signed by the ~~chairman~~ *chairperson* of
16 the board of supervisors of ~~said the~~ district, which notes, bonds,
17 or other evidences of indebtedness, shall be negotiable instruments
18 if so declared in ~~said the~~ resolution of the board of supervisors
19 providing for their issuance, and ~~said~~ notes, bonds, or other
20 evidences of indebtedness, may have interest coupons attached to
21 evidence interest payments, signed by the facsimile signature of
22 ~~said chairman~~ *the chairperson* of ~~said the~~ board. All applications
23 for ~~such these~~ loans shall specify the particular flood control work
24 or projects for which the funds will be expended, and when
25 received, the money shall be deposited in a special fund, and shall
26 be expended for those purposes only which are described and
27 referred to in the applications. If a surplus remains after the
28 completion of ~~said the~~ work, ~~such the~~ surplus shall be applied to;
29 the payment of the note, notes, bonds, or other evidences of
30 indebtedness, executed as aforesaid, for the loan including interest
31 coupons. The board of supervisors shall annually, levy a tax upon
32 the taxable real property of ~~said the~~ district, clearly sufficient to
33 pay the interest and installments of principal, as the same shall
34 become due and payable, under any loan made pursuant to the
35 authority of this section, and to create and maintain a reserve fund
36 to assure the prompt payment thereof, as may be provided by ~~said~~
37 resolution of the board of supervisors; ~~provided, however, that.~~
38 *However,* the amount of taxes levied in any year, pursuant to ~~the~~
39 ~~provisions of~~ this subsection, shall, pro tanto, reduce the authority
40 of the board of supervisors, during any ~~such~~ year, to levy taxes

1 under Section 14 of this act, but this proviso shall not be a
2 limitation upon the power and duty to levy and collect taxes under
3 this subsection. Notwithstanding any other provisions of law,
4 interest earned on funds representing the proceeds of bonds of the
5 district shall be deposited and retained in the reserve fund of the
6 district to meet the principal and interest falling due on ~~such~~ *these*
7 bonds.

8 Notwithstanding anything in this subsection ~~7a~~ to the contrary,
9 the total amount ~~which said~~ *the* district may borrow under the
10 authority of any or all of the provisions of this subsection is limited
11 to and shall not exceed in the aggregate the sum of four million
12 five hundred thousand dollars (\$4,500,000).

13 7b. The power granted in the next preceding subsection is hereby
14 extended to authorize the issuance and sale of bonds or other
15 evidences of indebtedness of ~~said~~ *the* district to the County of Los
16 Angeles and the purchase thereof by ~~said~~ *the* county in accordance
17 with "An act authorizing the investment and reinvestment and
18 disposition of any surplus moneys in the treasury of any county,
19 city and county, incorporated city or town or municipal utility
20 district or flood control district," approved April 23, 1913, as
21 amended; all subject to the provisions and limitations of the next
22 preceding subsection relative to the disposition and use of funds,
23 interest rate, period of repayment, tax rate and mode of issuance.
24 The total amount of bonds or other evidence of indebtedness, in
25 the aggregate, which the district may issue and sell under the
26 authority of subsection 7a and of this subsection is limited to and
27 shall not exceed four million five hundred thousand dollars
28 (\$4,500,000).

29 8. To cause taxes to be levied and collected for the purpose of
30 paying any obligation of the district in the manner ~~hereinafter~~
31 provided *in this section*.

32 9. To make contracts, and to employ for temporary services
33 only, expert appraisers, consultants and technical advisers, and to
34 do all acts necessary for the full exercise of all powers vested in
35 ~~said~~ *the* district, or any of the officers thereof, by this act.

36 10. To grant or otherwise convey to counties, cities and counties,
37 cities or towns easements for street and highway purposes, over,
38 along, upon, in, through, across or under any real property owned
39 by ~~said~~ *the* Los Angeles County Flood Control District.

1 11. To remove, carry away and dispose of any rubbish, trash,
2 debris or other inconvenient matter that may be dislodged,
3 transported, conveyed or carried by means of, through, in, or along
4 the works and structures operated or maintained hereunder and
5 deposited upon the property of ~~said the~~ district or elsewhere.

6 12. To pay premiums on bonds of contractors required under
7 any contract ~~wherein~~ if the amount payable to the contractor
8 exceeds five million dollars (\$5,000,000); provided, that the
9 specifications in ~~such~~ these cases shall specifically so provide and
10 state that the bidder shall not include in his *or her* bids the cost of
11 furnishing the required bonds.

12 13. To lease, sell or dispose of any property (or any interest
13 therein) whenever in the judgment of ~~said the~~ board of supervisors
14 ~~said of the~~ property, or any interest therein or part thereof, is no
15 longer required for the purposes of ~~said the~~ district, or may be
16 leased for any purpose without interfering with the use of the same
17 for the purposes of ~~said the~~ district, and to pay any compensation
18 received therefor into the general fund of ~~said the~~ district and use
19 the same for the purposes of this act; ~~provided, however, that~~
20 *However*, nothing herein shall authorize the board of supervisors
21 or other governing body of the district or any officer thereof to
22 sell, lease or otherwise dispose of any water, water right, reservoir
23 space or storage capacity or any interest or space therein except
24 to public agencies for recreational purposes when ~~such the~~ use is
25 not inconsistent with the use thereof by the district for flood control
26 and water conservation purposes; or except as ~~hereinafter~~ provided
27 by Section 17 of this act; ~~provided, however, that said~~ *However*,
28 *the* district may grant and convey to the United States of America,
29 or to any federal agency authorized to accept and pay for ~~such the~~
30 land or interests in land, all lands and interests in land, now owned
31 or hereafter acquired, lying within any channel, dam or reservoir
32 site, improved or constructed, in whole or in part, with federal
33 funds, upon payment to the district of sums equivalent to actual
34 expenditures made by it in acquiring the lands and interests in land
35 so conveyed and deemed reasonable by the Secretary of War and
36 the Chief of Engineers.

37 14. To provide, by agreement with other public agencies or
38 private persons or entities or otherwise, for the recreational use of
39 the lands, facilities, and works of ~~such the~~ district which shall not

1 interfere, or be inconsistent, with the primary use and purpose of
2 ~~such the~~ lands, facilities, and works by ~~such the~~ district.

3 15. In addition to its other powers, the district shall have the
4 power to preserve, enhance, and add recreational features to its
5 properties and upon a finding by the board of supervisors that the
6 acquisition is necessary for ~~such those~~ purposes, to acquire,
7 preserve, enhance, and add recreational features to lands or interests
8 in lands contiguous to its properties, for the protection,
9 preservation, and use of the scenic beauty and natural environment
10 for ~~such the~~ properties or ~~such the~~ lands and to collect admission
11 or use fees for ~~such the~~ recreational features where deemed
12 appropriate.

13 The ~~said~~ district by or through its board of supervisors, or other
14 board or officers at any time succeeding to the duties or functions
15 of its board of supervisors, is hereby authorized and empowered
16 to warrant and defend the title to all land and interests therein so
17 conveyed to the United States of America or to any ~~such~~ agency
18 and ~~their its~~ respective assigns; to covenant and agree to indemnify
19 and keep indemnified and to hold and save harmless and exonerated
20 the United States of America or any ~~such~~ agency, to which ~~such~~
21 lands or any interest therein are so conveyed by ~~said the~~ district,
22 from and against all demands, claims, liabilities, liens, actions,
23 suits, charges, costs, loss, damages, expenses and attorneys' fees
24 of whatsoever kind or nature, resulting from, arising out of or
25 occasioned by any defect or defects whatsoever in the title to any
26 ~~such~~ land or interest in land so conveyed by ~~said the~~ district; to
27 reimburse and save harmless and exonerated the United States of
28 America or any ~~such~~ agency for any and all amounts, paid, and
29 expenses incurred, in the compromise or settlement of any
30 demands, claims, liabilities, liens, actions, suits, charges, costs,
31 loss, damages, expenses and attorneys' fees of whatsoever kind
32 or nature, resulting from, arising out of or occasioned by any claim
33 to or defect or defects whatsoever in the title to any ~~such~~ land or
34 interests in land so conveyed by ~~said the~~ district; to pay all just
35 compensation, costs and expenses, which may be incurred in any
36 condemnation proceeding deemed necessary by the United States
37 of America or ~~such that~~ agency, in order to perfect title to any ~~such~~
38 land or interests in land, including without limitation all attorneys'
39 fees, court costs and fees, costs of abstracts and other evidences
40 of title, and all other costs, expenses or damages incurred or

1 suffered by the United States of America or ~~such~~ *that* agency; and
2 consent is hereby given to the bringing of suit or other legal
3 proceedings against ~~said the~~ district by the United States of
4 America or ~~such~~ *that* agency, as the case may be, in the proper
5 district court of the United States, upon any cause of action arising
6 out of any conveyance, contract or covenant made or entered into
7 by ~~said the~~ district pursuant to the authority granted in this act, or
8 to enforce any claims, damages, loss or expenses arising out of or
9 resulting from any defect whatsoever in the title to ~~such the~~ land
10 or any interest therein or any claims of others in or to ~~such the~~ land
11 or interest therein.

12 SEC. 2. Section 16 of the Los Angeles County Flood Control
13 Act (Chapter 755 of the Statutes of 1915), as amended by Section
14 6 of Chapter 1276 of the Statutes of 1975, is amended to read:

15 Sec. 16. (a) The ~~said~~ board of supervisors of ~~said the~~ district
16 shall have power to make and enforce all needful rules and
17 regulations for the administration and government of ~~said the~~
18 district, and to perform all other acts necessary or proper to
19 accomplish the purposes of this act.

20 ~~Said~~

21 (b) *The* board of supervisors shall have power to do all work
22 and to construct and acquire all improvements necessary or useful
23 for carrying out any of the purposes of this act; and ~~said the~~ board
24 of supervisors shall have power to acquire either within or without
25 the boundaries of ~~said the~~ district, by purchase, donation or by
26 other lawful means in the name of ~~said the~~ district, from private
27 persons, corporations, reclamation districts, swampland districts,
28 levee districts, protection districts, drainage districts, irrigation
29 districts, or other public corporations or agencies or districts, all
30 lands, rights-of-way, easements, property or materials necessary
31 or useful for carrying out any of the purposes of this act; to make
32 contracts to indemnify or compensate any owner of land or other
33 property for any injury or damage necessarily caused by the
34 exercise of the powers conferred by this act, or arising out of the
35 use, taking or damage of any property, rights-of-way or easements,
36 for any of ~~such these~~ purposes; to compensate any reclamation
37 district, protection district, drainage district, irrigation district or
38 other district, public corporation or agency or district, for any
39 right-of-way, easement or property taken over or acquired by ~~said~~
40 *the* Los Angeles County Flood Control District as a part of its work

1 of flood control or conservation or protection provided for in this
2 act, and any ~~such~~ reclamation district, protection district, drainage
3 district, irrigation district or other district or public corporation or
4 agency is hereby given power and authority to distribute ~~such~~
5 compensation in any manner that may be now or hereafter allowed
6 by law; to maintain actions to restrain the doing of any act or thing
7 that may be injurious to carrying out any of the purposes of this
8 act by ~~said~~ *the* district, or that may interfere with the successful
9 execution of ~~said~~ *that* work, or for damages for injury thereto; to
10 do any and all things necessary or incident to the powers hereby
11 granted, or to carry out any of the objects and purposes of this act;
12 to require, by appropriate legal proceedings, the owner or owners
13 of any bridge, trestle, wire line, viaduct, embankment or other
14 structure which shall be intersected, traversed or crossed by any
15 channel, ditch, bed of any stream, waterway, conduit or canal, so
16 to construct or alter the same as to offer a minimum of obstruction
17 to the free flow of water through or along any ~~such~~ channel, ditch,
18 bed of any stream, waterway, conduit or canal, and whenever
19 necessary in the case of existing works or structures, to require the
20 removal or alteration thereof for ~~such~~ *that* purpose; ~~provided,~~
21 ~~however, that.~~ *However,* nothing in this act contained shall be
22 deemed to authorize ~~said~~ *the* district in exercising any of its powers
23 to take, damage or destroy any property or to require the removal,
24 relocation, alteration or destruction of any bridge, railroad, wire
25 line, pipeline, facility or other structure unless just compensation
26 therefor be first made, in the manner and to the extent required by
27 the Constitution of the United States and the Constitution of
28 California.

29 The board of supervisors of ~~said~~ *the* district is hereby vested
30 with full power to do all other acts or things necessary or useful
31 for the promotion of the work of the control of the ~~flood~~ *floodwater*
32 and ~~storm waters~~ *stormwater* of ~~said~~ *the* district, and to conserve
33 ~~such~~ *those* waters for beneficial and useful purposes, and to protect
34 from damage from ~~such storm or flood waters~~ *floodwater and*
35 *stormwater*, the harbors, waterways, public highways, and property
36 in ~~said~~ *the* district; ~~provided, however, that nothing in this.~~
37 *However, this* act ~~contained shall be deemed to~~ *does not* authorize
38 ~~said~~ *the* district, or any person or persons, to divert the waters of
39 any river, creek, stream, irrigation system, canal or ditch, from its
40 channel, to the detriment of any person or persons having any

1 interest in such river, creek, stream, irrigation system, canal or
2 ditch, or the waters thereof or therein, unless previous
3 compensation be first ascertained and paid therefor, under the laws
4 of this state authorizing the taking of private property for public
5 uses; ~~and provided further, that nothing in this. This act contained~~
6 ~~shall be construed as in any way affecting~~ *does not affect* the
7 plenary power of any incorporated city, city and county, or town,
8 or municipal or county water district, to provide for a water supply
9 of ~~such that~~ public corporation, or as affecting the absolute control
10 of any properties of ~~such that~~ public corporations necessary for
11 ~~such the~~ water supply, and ~~nothing herein contained shall be~~
12 ~~construed as vesting this act does not vest~~ any power of control
13 over ~~such the~~ properties in ~~said the~~ Los Angeles County Flood
14 Control District, or in any officer thereof, or in any person referred
15 to in this act; ~~and provided further, that nothing in this. This act~~
16 ~~contained shall be deemed to~~ *does not* authorize ~~said the~~ board of
17 supervisors to raise money for ~~said the~~ district by any method or
18 system other than that by the issuing of bonds, or the levying of a
19 tax ~~upon the assessed value of all the real property in said district,~~
20 in the manner in this act provided, except from the sale and lease
21 of its property as ~~herein~~ provided *in this act*.